

1 District Judge Robert S. Lasnik
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

No. 2:19-cv-00324-RSL

12 v.

13 ELAGOON BUSINESS SOLUTIONS PVT
14 LTD., d/b/a Computer Phone Assist,

Defendant.

15 **AMENDED PRELIMINARY INJUNCTION ORDER**

16 This matter comes before the Court upon United States' Motion for Preliminary
17 Injunction (the "Motion"). Upon consideration of the Motion pursuant to 18 U.S.C. § 1345, the
18 Complaint for Preliminary and Permanent Injunctions (the "Complaint"), and the Declarations
19 of United States Postal Inspector Thomas Ninan, Christopher Doring, Philip Levenseller, and
20 the entire record in this case, the Court finds that:

21 This Court has jurisdiction over the subject matter of this case, there is good cause to
22 believe that it will have jurisdiction over all the parties hereto, and venue in this district is
23 proper.

1 There is probable cause to believe that Defendant Elagoon Business Solutions PVT
2 Ltd., d/b/a “Computer Phone Assist” was, prior to filing of the Complaint, violating and, unless
3 a preliminary injunction is entered, will continue to violate 18 U.S.C. § 1343.

4 The website domains “www.computerphoneassist.com”, “www.elagoonites.com”, and
5 “www.elagoondigital.com” are instrumentalities that facilitate Defendant’s crimes.

6 The email addresses “contact@computerphoneassist.com” and
7 “contact@elagoonites.com” are instrumentalities that facilitate Defendant’s crimes.

8 Allowing continued use of these website domains and email addresses would cause
9 continuing and substantial injury to the United States and to United States consumers.

10 Injunctive relief to protect the public interest in a case brought under Section 1345 is
11 expressly authorized when “warranted to prevent a continuing and substantial injury to the
12 United States or to any person or class of persons for whose protection the action is brought.”
13 18 U.S.C. § 1345(b). As such, when the government seeks an injunction to enforce a statute
14 that specifically authorizes injunctive relief, the Ninth Circuit does not impose the traditional
15 tests for preliminary injunction. *United States v. Estate Pres. Servs.*, 202 F.3d 1093, 1098 (9th
16 Cir. 2000). Nevertheless, even though the traditional test is not necessary in order to obtain
17 injunctive relief under Section 1345, the Court has further finds that permitting Defendant to
18 continue to perpetrate the alleged wire fraud would constitute irreparable harm, the equities
19 weigh in favor of the injunction, and the scope of the requested injunction is appropriate.

20 The statutory conditions for granting a preliminary injunction under 18 U.S.C. § 1345
21 are therefore met.

22 Defendant’s violations will continue unless a preliminary injunction is issued.
23

1 **THEREFORE, IT IS HEREBY ORDERED** that, pursuant to 18 U.S.C. § 1345:

2 The United States' Motion for Preliminary Injunction is **GRANTED**.

3 Until further order, Defendant, its agents, officers, and employees, and all other persons
4 and entities in active concert or participation with it are restrained from the following:

- 5 (1) committing wire fraud, as defined by 18 U.S.C. § 1343;
- 6 (2) impersonating any other technology company;
- 7 (3) engaging in telemarketing activity that claims that a consumer has a computer
8 virus or other security-related infection;
- 9 (4) accepting consumer payments relating to any purported technical-support service;
- 10 (5) maintaining or doing business through the use of the website domains
11 “www.computerphoneassist.com;” “www.elagoonites.com;” and
12 “www.elagoondigital.com;”
- 13 (6) using the email addresses “contact@computerphoneassist.com” and
14 “contact@elagoonites.com;”
- 15 (7) destroying business records related to Defendant’s business, financial, or
16 accounting operations; and
- 17 (8) taking actions designed to interfere with any additional Court orders regarding the
18 “www.computerphoneassist.com”, “www.elagoonites.com”, and
19 “www.elagoondigital.com” website domains or the
20 “contact@computerphoneassist.com” and “contact@elagoonites.com” email
21 addresses.

22 **IT IS HEREBY FURTHER ORDERED** that this preliminary injunction shall remain
23 in force until a final judgment or order is issued in this matter, unless otherwise modified in

1 writing by the Court. Pursuant to 18 U.S.C. § 1345(a)(3) and Rule 65(c) of the Federal Rules of
2 Civil Procedure, Plaintiff United States shall not be required to post security for this action.

3 **IT IS FURTHER ORDERED THAT** the United States shall notify Defendant of this
4 Order by providing a copy via email to: contact@computerphoneassist.com and
5 contact@elagoonites.com.

6 Dated this 2nd day of May, 2019.

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8 HONORABLE ROBERT S. LASNIK
9 United States District Judge

10 Presented by:

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12 Acting Director
13 Consumer Protection Branch

14 JILL P. FURMAN
15 Deputy Director
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